

**Yakima County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision**

For Ecology Use Only

Received:

Date: _____

Reviewed by: _____

Date Reviewed: _____

Applicant: Skyridge Farms

Application Number: YAKI-03-57

This record of decision was made by a majority of the board at an open public meeting of the Yakima County Water Conservancy Board held on September 3, 2003.

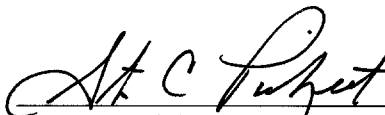
☒ **Approval:**

The Yakima County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on September 3, 2003 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:**

The Yakima County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on _____ and submits this record of decision to the Department of Ecology for final review.


Signed:



Steven C. Pickett, Chair
Yakima County Water Conservancy Board

Date: 09.03.03

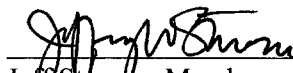
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐



Dueane Calvin, Member
Yakima County Water Conservancy Board

Date: 9-3-03

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐



Jeff Stevens, Member
Yakima County Water Conservancy Board

Date: 09.03.03

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on September 4, 2003.

Yakima County

WATER CONSERVANCY BOARD

Application for Change/Transfer

Report of Examination

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water☒ Ground Water

DATE APPLICATION RECEIVED June 25, 1990	PERMIT NUMBER G4-30310P	CERTIFICATE NUMBER	CHANGE APPLICATION NUMBER YAKI-03-57
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NAME
Skyridge Farms

ADDRESS (STREET) 4701 Scoon Rd	(CITY) Sunnyside	(STATE) WA	(ZIP CODE) 98944
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Changes Proposed:

☒ Point of Diversion/Withdrawal☒ Place of Use☐ Purpose☐ Temporary☐ Other

DECISION HISTORICAL SUMMARY

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE						QUANTITY, TYPE OF USE, PERIOD OF USE					
125 gpm; 31 af/yr for continuous dairy operation and 1 af/yr for single domestic supply						125 gpm; 31 af/yr for continuous dairy operation and 1 af/yr for single domestic supply					
Point of Diversion or Withdrawal						Point of Diversion or Withdrawal					
SOURCE			TRIBUTARY OF (IF SURFACE WATER)			SOURCE			TRIBUTARY OF (IF SURFACE WATER)		
A well						Two (2) wells					
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
	NE	SE	2	10	22 E	1	SW	SE	35	11	22 E
						2	NW	SE	2	10	22 E
Place of Use						Place of Use					
LEGAL DESCRIPTION OF LANDS WHEREWATER IS PRESENTLY USED:)						LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED					
The SE¼ of Section 2, T. 10 N., R. 22 E.W.M., and:						E½ Section 2 and that portion of the SE¼SW¼ of Section 2 described as follows: Beginning at the SE corner of said subdivision; thence N along the E line of said subdivision 1228 ft; thence S 38°02’ W 295.3 ft; thence S 7°20’ W 1002 ft, more or less, to the S line of said subdivision; thence E 310 ft, more or less, to the point of beginning, EXCEPT the S 25 ft thereof for County Road; all within T. 10 N., R. 22 E.W.M.					
That portion of the SE¼SW¼ of Section 2, T. 10 N., R. 22 E.W.M., described as follows: Beginning at the SE corner of said subdivision; thence N along the E line of said subdivision 1228 feet; thence S 38°02' W 295.3 feet; thence S 7°20' W 1002 feet, more or less, to the S line of said subdivision; thence E 310 feet, more or less, to the point of beginning, EXCEPT the S 25 feet thereof for County Road.						Also, the S½SE¼ of Section 35, T. 11 N., R. 22 E.W.M. lying S of Roza Canal and E of the Roza lateral which follows the W boundary of the N½NE¼ of Section 2, T. 10 N., R. 22 E.W.M.					
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE, (

SEPA
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

Water Right Priority Date: June 25, 1990

BOARD’S TENTATIVE DETERMINATION

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 125	MAXIMUM ACRE-FT/YR 32	TYPE OF USE, PERIOD OF USE 31 af/yr for continuous dairy operation and 1 af/yr for single domestic supply			
SOURCE Two (2) wells			TRIBUTARY OF (IF SURFACE WATER)			
AT A POINT LOCATED: PARCEL NO. 22100212002 22100242001	¼ SW NW	¼ SE SE	SECTION 35 2	TOWNSHIP N. 11 10	RANGE 22 E 22 E	WRIA 37 37
COUNTY. Yakima Yakima						
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED E½ Section 2 and that portion of the SE¼SW¼ of Section 2 described as follows: Beginning at the SE corner of said subdivision; thence N along the E line of said subdivision 1228 ft; thence S 38°02’ W 295.3 ft; thence S 7°20’ W 1002 ft, more or less, to the S line of said subdivision; thence E 310 ft, more or less, to the point of beginning, EXCEPT the S 25 ft thereof for County Road; all within T. 10 N., R. 22 E.W.M. Also, the S½SE¼ of Section 35, T. 11 N., R. 22 E.W.M. lying S of Roza Canal and E of the Roza lateral which follows the W boundary of the N½NE¼ of Section 2, T. 10 N., R. 22 E.W.M.						
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	

DESCRIPTION OF PROPOSED WORKS

Pressure pipe distribution system from two existing wells for continuous dairy operation and domestic supply.

DEVELOPMENT SCHEDULE		
BEGIN PROJECT BY THIS DATE: Begun	COMPLETE PROJECT BY THIS DATE: February 1, 2006	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: February 1, 2008

REPORT

BACKGROUND

Two change applications are considered in this report, one for Water Right Permit No. G4-30163P and one for Permit No. G4-30310P. The Yakima County Water Conservancy Board (Water Board) has jurisdiction to consider the subject applications, which are considered together because of the interrelated nature of the rights and transfer requests.

On July 2, 2003, Skyridge Farms filed the above two applications for change of water right with the Water Board to change G4-30163P, application also identified by Department of Ecology (Ecology) number: CG4-30163P, Water Board number: YAKI-03-56; and under Permit No. G4-30310P, application also identified by Ecology number: CG4-30310P and Water Board number: YAKI-03-57.

Permit G4-30163P, under priority date of December 12, 1989 and issued October 31, 1990, authorizes a withdrawal site from two wells to be located within SW¼NE¼ and NE¼NE¼ of Sec. 2, T. 10 N., R. 22 E.W.M. The permit authorizes water to be used for continuous dairy operation and group domestic supply within portions of Section 2, T. 10 N., R. 22 E.W.M. and portions of Section 35, T. 11 N., R. 22 E.W.M., Yakima County, Washington. The permit authorizes withdrawal and use of 125 gallons per minute (gpm) and 97 acre-feet per year (af/yr).

Permit G4-30310P, under priority date of June 25, 1990 and issued April 5, 1991, authorizes a withdrawal site from a well to be located within NE¼SE¼ of Sec. 2, T. 10 N., R. 22 E.W.M. The permit authorizes water to be used for continuous dairy operation and single domestic supply within portions of Section 2, T. 10 N., R. 22 E.W.M., Yakima County, Washington. The permit authorizes withdrawal and use of 125 gallons per minute (gpm) and 32 acre-feet per year (af/yr).

Both water rights are permits in good standing but they have not yet been issued certificates of water right. A historic use analysis is not necessary in this circumstance, and the full face value of the permits is considered by the Board to be quantified as transferable. As a result of its investigation, the Water Board made a tentative determination that the rights being amended are valid. The Water Board tentatively quantifies the rights for the purpose of the requested transfers at 125 gpm and 97 af/yr for G4-30163P, and an additional 125 gpm and 32 af/yr for G4-30310P.

The project including the two change applications discussed herein involves a transfer of a maximum of (125+125=) 250 gpm. For State Environmental Policy Act (SEPA) purposes the water right change applications are categorically exempt under SEPA. Therefore, compliance has been met under SEPA.

Neither Permit has been subject of any previous water right change decisions.

COMMENTS AND PROTESTS

Public notice of the applications was made in accordance with applicable laws and rules. [AS OF AUGUST 13, 2003] No comments or protests, including comments provided by other agencies, Indian tribes, or other interested parties were received by the Water Board. The applications have been distributed to other entities as required, including state resources agencies, tribes, and/or interested parties. No comments have been received by the Water Board from these parties.

INVESTIGATION

A. Description of Proposed Project

The applicant proposes to retain two well sources for G4-30163P and to add one well (for a total of two wells) to be authorized for G4-30310P. The applicant request is for both Permits to use the same two wells, which have already been constructed; known as Skyridge Farms Well Nos. 1 and 2. Neither of the existing wells, however, is located within the original authorized permit locations due to errors in siting the wells. Both of the constructed wells were intended as sources for the Permits, and were constructed to Permit specifications to isolate the same aquifer (Saddle Mountains Basalt Formation). Therefore, the requested changes in source location are to correct these errors and ensure that the constructed wells are properly authorized under the permits.

Both Permits G4-30163P and G4-30310P currently authorize water use on adjacent and partly overlapping lands. The changes requested to the places of use are to consolidate the rights to a common boundary, consistent with the applicant’s plan to combine the water rights to supply one dairy facility instead of two separate dairies. This will allow for more efficient and economical construction and operation of the farm.

B. Proposed Development Schedule

The applicant requests a time period of two years for completing construction with an additional two years allowed for using both wells. This time period is considered by the Board to be reasonable, and may be extended in cooperation with Ecology.

C. Review of Potential Impairment

The requested changes add two existing wells as sources for withdrawal of water. An analysis of potential impairment was provided by the applicant, was reviewed and found acceptable by the Water Board. The potential for impairment due to the change is very low, because the proposed well sites are near the original authorized sites, and other wells in the same aquifer are far enough away so that the difference in effect is not significant.

The requested changes will use no additional water than is authorized under the existing rights. Under these conditions it is clear to the Water Board that there will be no impairment to existing rights. Aquifer water levels in this area are not below reasonable or feasible pumping levels. Likewise, because the use is from a deep confined basalt formation aquifer, and because of the small distance of source re-location, and the large distance from surface water bodies, there will be no impairment to instream flows of the Yakima River or tributary streams due to the requested transfers.

D. Associated Rights and Uses

A permit exempt well currently exists on the property and is not affected by the requested transfers. Roza Irrigation District water is available to the property and supplies irrigation needs, but does not affect the transfers which are for dairy operation uses.

E. Public Interest

The Water Board finds that the changes requested are consistent with public policy objectives of the state to provide for efficient use of water resources, to encourage supply of new or expanding uses through change/transfer of existing water rights, and to provide greater operational control to water managers. The Water Board finds that approval of the applications for change will correct the well locations and allow for consolidation of permits to a single dairy facility, allowing for improvements in efficiency and economical operation of the dairy. There is no identifiable negative impact to watershed planning activities. The Water Board finds that approval of the requested transfers will not prove detrimental to the public interest.

F. Verification of Existing Water Rights

Board member Steve Pickett conducted a field examination on July 21, 2003. The field examination included viewing the existing and proposed well sites, and the surrounding area. The field investigation confirmed information provided by the applicant through personal communications and supporting application materials.

The two existing water rights are groundwater Permits in good standing. Transferable quantities are limited to the respective limits existing for each Permit. With these express conditions there will be no enlargement of existing rights with the requested change/transfers.

G. Technical Investigations or Reports Reviewed

The Water Board has reviewed the applicant’s Ecology file and records contained therein, including any reports/comments submitted by Ecology staff, and pertinent Ecology water right records.

The applicant has provided technical information, personal communications, and technical references requested by the Water Board; and the applicant has communicated extensively with Water Board members to answer specific questions about the change/transfer requests. In the area of the applicant’s wells, the aquifer subject of transfer has been studied in recent change decisions made by the Water Board (reference YCWCB No. 29-2001, Henry Oord). The applicant submitted a technical report dated August 27, 2003 addressing impairment, same body of public groundwater, and proposing a development schedule. The Water Board has conducted a field examination to verify the information contained within the applicant’s Permits and technical information submitted. The technical information contained in these reports has been used by the Water Board to help conceptualize the aquifer conditions, to verify that the additional wells withdraw from the same body of public groundwater as the original wells, and to evaluate the potential for impairment to existing rights.

CONCLUSIONS

The Water Board has thoroughly investigated all relevant issues identified during its evaluation of the subject change applications, and has discussed these issues as documented in this Report. The following conclusions are made.

1. A valid water right exists in the amount of 125 gpm, 97 af/yr for G4-30163P.
2. A valid water right exists in the amount of 125 gpm, 32 af/yr for G4-30310P.
3. No relinquishment or abandonment of either water right has occurred.
4. Hydraulic analysis of the transfer indicates that the requested wells withdraw from the same body of public groundwater as required by existing permits, that pumping lifts are reasonable and feasible, and that the associated effect to the aquifer will not be significant.
5. The requested change/transfers will not impair any existing rights.
6. The requested change/transfers will not be detrimental to the public interest.

DECISION

The Water Board’s decision is to conditionally approve the requested change/transfer proposals. In full description, this decision is to conditionally approve 125 gpm, 97 af/yr under G4-30163P; to be withdrawn from the requested existing two wells (Skyridge Farms Well Nos. 1 and 2). Also, the decision is to conditionally approve 125 gpm, 32 af/yr under G4-30310P; to be withdrawn from Skyridge Farms Well Nos. 1 and 2. The places of use for each water right are amended to a common boundary, as specifically described on the cover sheet to this Report. The current purposes of use for dairy operation and domestic supply for each Permit are not changed by this decision, nor are the current authorized quantities changed.

In conditionally approving the subject applications, the Water Board must by statute advise the applicant that they are not permitted to proceed to effect the proposed transfers until a final decision is made by the director of the Department of Ecology.

PROVISIONS

The Water Board has provided for specific conditions for issuance of the superseding Permits, as identified below:

PROVISIONS APPLYING TO BOTH PERMITS

1. An approved measuring device shall be installed and maintained for each source identified herein in accordance with the rule “Requirements for Measuring and Reporting Water Use”, Chapter 173-173 WAC. Water use data shall be recorded weekly and shall be submitted annually to Ecology by January 31st of each calendar year typically.
2. The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled “Water Measurement Device Installation and Operation Requirements”.
3. At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, monthly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters to be reported or more frequent reporting.
4. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.
5. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.
6. All other requirements specified by WAC 173-160 shall apply to these wells.
7. After completion of construction, each well shall be video scanned (providing a visually clear and recognizable picture that is continuous from land surface to the terminus of the well) and the video tape reviewed by the Central Regional Office of the Washington State Department of Ecology prior to the installation of the production pump.
8. For the purpose of making water level measurements, installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. Installation and maintenance of an air line and gage is also required. The air line shall be constructed of 1/4 inch minimum diameter galvanized steel pipe, or comparable material if preapproved by the department. Distance from land surface to the bottom end of the air line shall be clearly posted at the well site, accurate at all times to 0.5 feet or less. The air line, access port, and all well equipment shall be installed and maintained to provide free access for accurate measurement of water levels at all times by both methods of measurement.
9. A proof inspection will be conducted prior to final certificate issuance. The certificate will issue only for the actual quantity being withdrawn and the actual development completed.
10. The casing shall be set or placed (not driven) twenty (20) feet into the first solid, unfractured, nonporous, nonvesicular basalt flow of the Saddle Mountains Basalt Formation, occurring at or below a depth of 300 feet below ground surface. The well annulus shall be pressure grouted utilizing cement grout as a sealing agent from the bottom of the casing to land surface and the annulus shall be at least four (4) inches greater in diameter than the permanent casing. The well shall be restricted to a depth corresponding to the top of the Priest Rapids Member.

Signed at Yakima, Washington
This __ day of _____, 2003

_____, Chair
Yakima County Water Conservancy Board

For attachments not included or for more information please contact:

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